

FREDERICK COUNTY PLANNING COMMISSION  
MEETING OF FEBRUARY 8, 2006  
9:30 a.m.

Members Present: Alan Duke, Chair; Robert White, Vice Chair; Joe Brown, Secretary; Michael Cady; Commissioner Liaison; Fern Hines; Joan McIntyre.

Staff Present: Mark Depo, Development Review Planning Director; Gary Hessong; Division of Permitting & Development Review Director; Michael Wilkins, Principal Planner; Justin Horman, Principal Planner; Wendy Kearney, Deputy County Attorney; Michele Long, Recording Secretary; Michael Chomel, Deputy County Attorney; Kevin Demosky, Division of Water & Sewer; Dan Rogers, Transportation Engineering; Jim Gugel, Planning & Zoning Chief; Denis Superczynski, Principal Planner; Betsy Smith, Development Review Engineering Director.

1. **MINUTES:**

Mr. Brown made a motion to approve the minutes from the January 11, 2006 Planning Commission meeting without any changes or corrections. 2<sup>nd</sup> by Mr. White.

**Yea 6 Nay 0 (Crum Absent)**

2. **PLANNING COMMISSION COMMENTS:**

Mr. Cady spoke of the action in regards to the Board of County Commissioners (BOCC) honoring the request of the Planning Commission (FcPC) to continue with the current system for updating the region plans and changing to the two step process with plans to follow. Mr. Cady explained that the article that appeared in the newspaper in relation to this was printed incorrectly. Mr. Cady added that this article stated 'The Planning Commission felt that the old process would work well where there is a lot of rezoning', this article needed to state that 'the old process would *not* work well where there is a lot of rezoning'.

Mr. Cady also spoke of the BOCC have a public hearing this month on a resolution concerning the one year moratorium on development requiring septic systems in well head protection areas. Mr. Cady stated that this is a particular concern to municipalities, mainly Middletown, Myersville, Frederick, Walkersville, Mt. Airy and Thurmont due to their sources of water being it ground or surface are in areas where septic systems may be developed. Mr. Cady stated that the purpose of this 1 year moratorium is to give the County an opportunity to get a full understanding of this issue without causing any undo harm to the source water of these municipalities. Mr. Cady added that this public hearing is to help the BOCC get a complete understanding of these issues with wells and septs as they relates to new development and technologies and to make the best decision in regards to the interest for the people of Frederick

County. Mr. Cady stated the date of the hearing is Feb. 21<sup>st</sup> at 7:00 p.m. and invited citizens to come out and share their feelings and comments.

Mr. Brown added that he had a lot of projects that are impacted by this proposal, and that there are going to be a lot more. Mr. Brown also spoke of the 100-year floodplain studies from FEMA and informed citizens to keep a watch on their properties if they border any type of major stream corridor.

Ms. McIntyre wanted to make sure the Commission members received a copy of the revised agenda that was sent out through email.

Mr. Cady also stated that along with the recent tax increase the County Commissioners did pass an ordinance that the assessments can only be taxed up to 5%. Mr Cady also added that they did also pass for this year a preliminary constant yield rate.

3. **AGENCY COMMENTS:**

N/A

4. **PRELIMINARY PLANS**

**Pollekoff Property** - Requesting preliminary plat approval for 34 age-restricted single-family lots on 103 acres, located on both sides of MD Rt. 355 at the MD Rt. 75 intersection. Zoned: (R-1) Residential, Urbana Planning Region. Tax Map 106/Parcel 15 File # S-1131; Hansen# 2788 & 2789 (Mark Depo/Stephen O'Philips)

*All parties and Staff wishing to give testimony in this matter were sworn in.*

**Staff Findings/Recommendations:**

If the Planning Commission finds that the applicant has met the terms of Section 1-20-7 9E) (3) of the Adequate Public Facilities Ordinance, then the Staff finds, with the discussions in this report plus the recommended conditions listed below, that the preliminary plat application meets or will meet all requirements of Subdivision, Zoning, APFO and FRO Ordinance requirements. If the Planning Commission chooses to approve this application, the Staff recommends that the following conditions be added to the approval:

1. Comply with Engineering Section's storm-water management issues that must be addressed prior to preliminary plat signature. (Some items have been identified as Improvement Plan reviews.)
2. Resolve technical issues with Traffic Engineering and Health Dept..
3. Comply with miscellaneous check-sheet items, including review of failed septic percolation tests for possible relocation of recreational facilities.
4. Provide fire pond as per Fire Marshal request.

Mr. Depo stated that he wanted to add a 5<sup>th</sup> recommendation to state, the applicant shall resubmit a revised plan to be reviewed and approved by the Planning Commission if the lot numbers or design has changed due to perc testing.

**Applicant Presentation:**

Mr. Dave Severn with Severn, O'Connor & Kresslein representing the applicant, Holly Ridge Development presented the applicant's proposal. Mr. John Zarecki with Ryan Homes explained the average sizes for the houses and the designs of these houses. Mr. Scott Wolf with Patton, Harris, & Rust Associates addressed the questions regarding the sprinklers in the houses. Ms. Brenda DiGardayan gave a market overview for the subdivision.

**Public Comment**

N/A

**Decision:** Mr. Brown made a motion for conditional approval in accordance with the staff recommendations revising condition #4 to read, provide fire protection as approved by the Frederick County Fire Marshall's Office, adding a 5<sup>th</sup> condition to be if the project has 10 or more lots failed due to percolation or wells the plan must be brought back to Planning Commission and adding a 6<sup>th</sup> condition that the road dedication for the relocated 75 corridor be dedicated along with the recordation of the first plat. 2<sup>nd</sup> by Ms. McIntyre.

**Yea 6 Nay 0 (Crum Absent)**

(Break at 11:20 a.m.)

(Resumed at 11:27 a.m.)

**Urbana Village Center** - Requesting preliminary approval for 4 General Commercial lots on 20.7, located on MD Rt. 355 Relocated, south of Rt. 80. Zoned: (GC) General Commercial; Urbana Planning Region. Tax Map 96/Parcel 59 File #: S-1119 Hansen # 3363 (Mark Depo/Stephen O'Philips)

*All parties and Staff wishing to give testimony in this matter were sworn in.*

**Staff Findings/Recommendations:**

The Staff finds, with the discussions in this report plus the recommended conditions listed below, that the preliminary plat application meets or will meet all requirements of Subdivision, Zoning, APFO and FRO Ordinance requirements. If the Planning Commission chooses to approve this application, the Staff recommends that the following conditions be added to the approval:

1. Comply with Fire Marshal comments at time of site plan review.

2. The Letter of Understanding will be edited by the County Attorney's Office to correct legal administrative language in the Applicant's Developer's Option Letter.

**Applicant Presentation:**

Mr. Rand Weinberg with Weinberg & Miller representing the applicant, Urbana Village, LLC presented the applicant's proposal. Mr. Rand Weinberg read into the record a letter from the Urbana Civic Association. Mr. Weinberg concurred with the staff recommendations.

**Public Comment**

N/A

**Decision:** Mr. White made a motion for conditional approval in accordance with the staff recommendations. 2<sup>nd</sup> by Mr. Brown.

**Yea 6 Nay 0 (Crum Absent)**

**5. MISCELLANEOUS REQUESTS**

**Brown Addition to Brown** - Requesting approval for a modification to Section 1-16-7(5) of the Subdivision Regulations to allow a 7.68 acres lot with an existing dwelling unit to be added to an adjoining parcel, and to allow the construction of a new dwelling on an addition parcel, located on the east side of Old Sabillasville Road, north of Cullen Drive. Zoned: Agricultural (A) Thurmont Planning Region. Tax Map 1/Parcels 53 & 2 File #: M-699A Hansen #: 4393 (Mike Wilkins)

*All parties and Staff wishing to give testimony in this matter were sworn in.*

**Staff Findings/Recommendation:**

**Findings:**

This proposal does not meet the maximum acreage requirements set forth in section 1-16-7(5)(a)(3) and section 1-16-7(5)(b) of the Subdivision Regulations. However; all other requirements are met. The FcPc has the authority to grant modifications to the maximum acreage requirements. Staff supports the modifications as the additions will provide more flexibility for the new house location, a better lot layout will be achieved, and the Applicant has demonstrated that no building/development rights are being created by the addition/transfer of land.

**Recommendation:**

If the FcPc supports the approval of the modifications of Section 1-16-7(5) of the Subdivision Regulations to allow the construction of a dwelling on an addition

parcel, and to allow the addition of an existing dwelling with more than 2 acres, Staff recommends that the following items be added as conditions to the approval:

1. Comply with all staff and agency comments.
2. Place a note on the plat indicating FcPc approval of this modification.

**Applicant Presentation:**

Mr. Gary Castle with Gary Castle & Associates representing the applicant presented the applicant's proposal. Mr. Castle concurred with the staff recommendations.

**Public Comment**

N/A

**Decision:** Ms. McIntyre made a motion for conditional approval in accordance with the staff recommendations. 2<sup>nd</sup> by Mr. Brown.

**Yea 6 Nay 0 (Crum Absent)**

**6. PRELIMINARY/FINAL PLATS**

**Reichs Ford Estates, Lots 12A & 12B** - Requesting approval for a resubdivision of an existing lot into two lots in a major subdivision and a modification of Section 1-16-219(C)(2) of the Subdivision Regulations, located on the east side of Beall Drive off of Reichs Ford Road. Zoned: Agricultural (A) New Market Planning Region. Tax Map 78/Parcel 657 File #: S-712 Hansen#: 4352 (Mike Wilkins)

*All parties and Staff wishing to give testimony in this matter were sworn in.*

**Staff Findings/Recommendations:**

**Findings:**

Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements. Staff has no objection to conditional approval of the plan.

**Recommendation:**

Should the FcPc approve this Application (S712, AP 4352) for the proposed new lot in a Major Subdivision, and grant the panhandle modification per section 1-16-219(C)(2) of the Subdivision Regulations, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all staff and agency comments.
2. The Applicant shall add a note to the plat stating FcPc approval and date.
3. The Applicant shall meet the requirements of the FRO prior to plat recordation.

**Applicant Presentation:**

Mr. Gary Castle with Gary Castle & Associates representing the applicant presented the applicant's proposal. Mr. Castle concurred with the staff recommendations.

**Public Comment**

N/A

**Decision:** Mr. Brown made a motion to grant the panhandle modification per Section 1-16-219(C2) and to grant conditional approval to the plat in accordance with the staff recommendations. 2<sup>nd</sup> by Mr. White.

**Yea 6 Nay 0 (Crum Absent)**

**Barnes Knoll, Section 2; Lots 34-36** - Requesting approval for 2 new lots in a major subdivision and a modification of Section 1-16-219(C)(2) and 1-16-236(K) of the Subdivision Regulations, located on the south side of Nor-Ray Circle, off of Browningsville Road. Zoned: Residential (R-1) Urbana Planning Region. Tax Map 97/Parcel 210 File #: S-856 Hansen #: 4267 (Mike Wilkins)

*All parties and Staff wishing to give testimony in this matter were sworn in.*

**Staff Findings/Recommendations:**

**Findings:**

Based upon the discussions in this report, Staff finds that the application does not meet all applicable Subdivision Regulation requirements. Section 1-16-236(K) does not allow more than 25 dwelling units on a cul-de-sac street, and the application proposes to create the 25<sup>th</sup> and 26<sup>th</sup> dwelling unit on the dead-end road system. Therefore, Staff cannot support 2 new lots off Nor-Ray Circle.

**Recommendation:**

Since the application fails to meet all Subdivision Regulation requirements, Staff cannot support the approval of the proposed subdivision.

**Applicant Presentation:**

Mr. Bill Wirts with Tri-County Surveys representing the applicant, James Barhns presented the applicant's proposal.

**Public Comment:**

Mr. John Ardenesen; Owner of Lot 16 in Barnes Knoll Subdivision. Mr. Ardenesen was in opposition of the application due to the lots lacking excellence of design.

Ms. Gail Ollie; Owner of Lot 8, Block D in the Meadowbrook Subdivision. Ms. Allie was in opposition to the application due to the potential of sediment control problems from the houses.

Mr. Frank Gladhill; Resident of 11629 Gladhill Brothers Road; Mr. Gladhill favored the application stating that the original subdivision was approved in the 1984 and now the rules being changed in the middle of an application.

Ms. Carol Talbot; Owner of Lot of 18 on Norway Circle. Ms. Talbot was in opposition of the application due to the lack of water for wells and the contamination of the wells.

**Rebuttal:**

Mr. Wirts responded to the questions raised by the citizens regarding the wells, and the 50 ft. wide strip of land that is owned fee simple by the applicant. Mr. Wirts also spoke of the sediment control problems stating that there is a sky pond that was put there in the 1940's with the help of the sediment control agency.

**Decision:** Mr. White made a motion for conditional approval of the Barnes Knolls Subdivision with the following recommendations: 1) approval for only one lot in a major subdivision; 2) approval for the modification of the panhandle; 3) that we accept the proffer from the applicant to place a FRO easement on the swale in the steep sloped areas and he will do his best effort not to exacerbate the drainage issues; 4) comply with staff and agency comments and 5) that the applicant shall meet the requirements of the Forest Resource Ordinance prior to plat recordation. 2<sup>nd</sup> by Mr. Brown.

**Yea 5 Nay 0 (McIntyre Abstained)(Crum Absent)**

(Lunch Break 1:13 p.m.)

(Resumed at 2:00 p.m.)

Ms. Kearney, Deputy County Attorney made a clarification in regards to the Barnes Knoll Subdivision case speaking specifically of Section 1-16-236 of the Subdivision Ordinance concerning cul-de-sac streets and the interpretation of this over time. Ms. Kearney stated that this Section of the Ordinance did previously

have different language but as of July 1, 1994 the language in this section of the Ordinance was amended and did make significant changes to this provision regarding the number of units on a cul-de-sac street.

(Mr. Brown left 2:05 p.m.)

**Huffer Division, Lots 1-4** - Requesting approval for a 3 lot+ Remainder major subdivision and a modification of Section 1-16-219(C)(2) of the Subdivision Regulations, located on the west side of Route 550, north of Pine Tree Road. Zoned: Agricultural (A) Walkersville Planning Region. Tax Map 50/Parcel 161 File#: S-941 Hansen#: 4346 (Mike Wilkins)

*All parties and Staff wishing to give testimony in this matter were sworn in.*

**Staff Findings/Recommendations:**

**Findings:**

Based upon the discussions in this report, Staff finds that the application meets and/or will meet all applicable Zoning, APFO, and FRO requirements. However, the application fails to meet Sections 1-16-2, 1-16-4, 1-16-12, and 1-16-240 of the Subdivision Regulations, since the application fails to provide a safe point of ingress and egress to the proposed lots. Adding additional lots/users to an existing access point that does not meet the SHA's minimum safe sight distance requirements is contrary to the Subdivision Regulations.

**Recommendation:**

The existing access point to the proposed development does not meet the SHA's minimum safe sight distance requirements, and approving a development with an unsafe access point is contrary to the Subdivision Regulations. Therefore, Staff cannot support the approval of the proposed subdivision.

Mr. Wilkins explained that he received an email from SHA yesterday stating that the applicant is working with SHA and that if safe site distance can be obtained they will have no objection to issuing a SHA permit. Mr. Wilkins stated that the current recommendation is denial due to an unsafe access point and site distance. Mr. Wilkins explained and questioned if grading or other mitigation off site will produce adequate site distance or not.

**Applicant Presentation:**

Mr. Mike Vansant with Vanmar & Associates representing the applicant, Mrs. Huffer and her son Steve presented the applicant's proposal.

**Public Comment:**

Mr. Larry Fogle; adjacent property owner. Mr. Fogle was not in favor of the project due to the grading that needs to be completed on the bank would be on his property.



**Rebuttal:**

Mr. Vansant stated that Mr. Fogle did purchased a 20ft. wide strip of land but this was purchased after the SHA had acquired the fee simple ownership to the 50 ft. road and two additional slope easements that are shown on the plat beyond the 50 ft.. Mr. Vansant finished with that this is State Highway land and they would be the ones deciding if the bank should be cut back.

**Decision:** Mr. White made a motion for conditional approval in accordance with the staff recommendations and the approval is only conditioned upon the State Highway Department's approval of meeting safe site distance requirements. 2<sup>nd</sup> by Ms. McIntyre.

Mr. White withdrew his motion.

Ms. McIntyre made a motion for up to a 90-day continuance for the result of the State Highway's decision and our staff's recommendations at that time, adding that the landowner has the ability to go ahead with their perc test pending these SHA comments at their own cost and risk. 2<sup>nd</sup> by Mr. White.

**Yea 4    Nay 1 (Hines Opposed)(Brown  
Recused)(Crum Absent)**

(Break 2:22 p.m.)

(Resumed at 2:35 p.m.)

(Mr. Brown Returned 2:35 p.m.)

**7.     SITE PLANS**

(Mr. Duke left 2:37 p.m.)

**St. Peter the Apostle Church** - Requesting approval for renovation and expansion of an existing 33,421 square foot 3 story church on 5.46 acres, located on the northeast corner of Route 75. Zoned: Residential (R-3) Walkersville Planning Region. Tax Map 51/Parcels 74 & 175 File #: SP-90-09 Hansen#: 3768 (Justin Horman)

*All parties and Staff wishing to give testimony in this matter were sworn in.*

**Staff Findings/Recommendations:**

**Findings:**

Based on the discussion in this report and with the conditions listed below, Staff find that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements. Staff has no objection to conditional approval of the site plan.

**Recommendation:**

Should the planning Commission conditionally approve this Site Plan (SP-90-09, AP 3768) for the proposed 33, 421 square foot 3-story church, Staff recommends that the following items be added as conditions of approval:

1. Applicant shall enter into a joint use parking agreement per Section 1-19-169 of the Zoning Ordinance prior to signature of the Site Plan
2. Applicant shall note that if the sign is internally lit, it will be low illuminated.
3. The applicant has agreed to pay fee-in-lieu or banking prior to site plan signature
4. Applicant shall comply with all staff and agency comments through the completion of the project.

**Applicant Presentation:**

Ms. Krista McGowan with Miles & Stockbridge representing the applicant, St. Peter the Apostle Church presented the applicant's proposal. Ms. McGowan concurred with the staff recommendations. Father John Dietzenbach spoke of the history of the church and the plans for the future.

**Public Comment:**

N/A

**Decision:** Mr. Brown made a motion for conditional approval in accordance with the staff recommendations. 2<sup>nd</sup> by Ms. Hines.

**Yea 5 Nay 0 (Duke Recused)(Crum Absent)**

(Mr. Duke Returned)

**Cramer Subdivision** - (Continued from the December 14, 2005 FcPc Meeting)  
Requesting approval for a 38,100 sq. ft. furniture storage/warehouse building on 9.14 acres, located at the intersection of Mountville Road and Ballenger Creek Pike. Zoned: Light Industrial/Agriculture (LI/A) Adamstown Planning Region. Tax Map 94/Parcel 99 File # 05-21 Hansen # 4039 (Justin Horman)

*All parties and Staff wishing to give testimony in this matter were sworn in.*

**Staff Findings/Recommendations:**

**Findings:**

Based on the discussion in this report and the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements. Staff has no objection to conditional approval of the site plan

**Recommendation:**

Should the Planning Commission conditionally approve this Site Plan (SP-05-21, AP 4039) for the proposed 38,100 square foot storage/warehouse building, Staff recommends that the following items be added as conditions of approval:

1. The Applicant shall provide a photometric study confirming 0.5-foot candles of illumination or less at the periphery of the site.
2. The Applicant shall comply with all Staff and Agency comments through the completion of the project.

**Applicant Presentation:**

Mr. Lee Miller with GLM Engineering representing the applicant presented the applicant's proposal.

**Public Comment:**

Maryetta Stup; resident of Mountville Road. Ms. Stup was in opposition of the application due to the traffic being a nuisance.

**Decision:** Mr. Brown made a motion for conditional approval in accordance with the staff recommendations. 2nd by Ms. McIntyre.

**Yea 6 Nay 0 (Crum Absent)**

**8. WORKSHOP**

**MONROVIA TOWN CENTER PUD -- R-05-06**

**75-80 Properties, L.L.C., et al,** -- requesting 408.91 acres of land be re-zoned from Agriculture (A), R-1 (Low Density Residential), and R-3 (Low Density Residential) to Planned Unit Development (PUD). Located on the east and west sides of MD 75 (Green Valley Road), north of intersection with MD 80 (Fingerboard Road) in the Urbana Planning Region. Project proposed is an active adult, age-restricted community with 1,636 dwelling units, 30,000 square feet of commercial and service uses, as well as civic uses and development amenities. (Denis Superczynski)

Mr. Superczynski stated the proposal generally follows the patterns and recommendations set forth in the Urbana Region Plan. The establishment of this PUD, in conjunction with the Green Valley Community to the west, at the

location of the proposed Monrovia District Community nearly implements the entirety of the growth ultimately slated for this area. The buildout of this PUD would result in a population constituting over 80% of the planned 20-year growth project for the District Community.

Mr. Superczynski presented the staff recommendations for approval of the application:

- 1) A maximum of 1,608 age-restricted dwelling units may be constructed.
- 2) The developer shall record final plats for no more than 200 residential dwelling units in any calendar year. A previous year's unused allocation may be carried over into the following year.
- 3) Covenants shall restrict 100% of the dwelling units to be age-restricted per the Federal Fair Housing Act and Housing for Older Persons Act of 1995, with further limitation on the minimum age of permanent residents being 19 years of age. These covenants shall be recorded prior to the recording of the first subdivision plat. The covenants shall be recorded and made part of the title for each dwelling unit, and every property owner within the Monrovia Town Center PUD community (and community association) shall be beneficiaries of the covenants with ability to enforce them through administrative or judicial proceedings. These covenants are to be reviewed by the County Attorney's Office to ensure that the PUD zoning classification is invalid if these covenants are not recorded and do not restrict age as proffered in a binding and enforceable manner. The required biannual federal surveys (24 cfr 100.307) shall be made available to the County for its review and records.
- 4) No building permits shall be issued within the PUD until the Bush Creek Interceptor (Middle Phase) sewer line is available for service to the project.
- 5) No building permits shall be issued within the PUD until the water line connection is made and is available for service to the project.
- 6) The applicant shall dedicate, prior to the recording of the first lot, a 46.9 acre public use site on the Burall property (and 75/80 Dragway parcels) as shown on the Schematic Plan.
- 7) The applicant shall dedicate, prior to the recording of the first lot, a three (3) to five (5) acre public use site for the explicit use as an emergency services campus to house a future fire and rescue substation and a Sheriff's substation. These five (5) acres shall be dedicated from the Burall property, such site having been approved by the County prior to dedication.

- 8) The developer shall seek to minimize the existing land barrier on the eastern portion of the site by investigating creative design solutions to the existence of the 200 ft. wide power transmission corridor.
- 9) The developer shall improve to local street standards, the east side of Ed McClain Road, from the main entrance of the Green Valley Active Adult Community PUD to the northernmost point of the Monrovia Town Center PUD frontage along this existing roadway.
- 10) The developer shall improve/relocate Ed McClain Road, from its point of intersection with the planned Collector road (Ed McClain Rd to MD 75) to its intersection with MD 80, prior to the issuance of a building permit for the 1,400<sup>th</sup> dwelling unit.
- 11) Access from the project site shall be designed and constructed in such a way as to preclude right-turn (northbound) movements onto Ed McClain Road to discourage traffic from traveling northbound to access Maryland Route 75.
- 12) The developer shall construct road intersection improvements – or contribute funds sufficient to complete such improvements - at Ijamsville Road/MD 80 as described in the traffic study and PUD application.
- 13) Prior to the issuance of the building permit for the 400<sup>th</sup> dwelling unit, the developer shall dedicate to the State Highway Administration the necessary right-of-way for the relocation and reconstruction of MD 75 north of MD 80 and construct the section of MD 75 along the entire frontage of the proposed PUD as a 4-lane divided roadway. The final alignment and design shall be subject to approval by the State Highway Administration. These roadway improvements shall be complete and open to service prior to the issuance of a building permit for the 400<sup>th</sup> residential dwelling unit.
- 14) The developer shall provide an appropriate guarantee/bond (as approved by the County Attorney) for the construction of relocated MD 75 – including the realignment north and south of MD 80 - prior to recording of the final plat for the 400<sup>th</sup> residential dwelling unit.
- 15) Building permits for no more than 750 dwelling units may be issued before the MD 75 relocation is constructed and open to service.
- 16) Building permits for no more than 750 dwelling units may be issued before the portion of MD 75 (relocated) within the GC-zoned area is constructed as a 4-lane roadway and is open to service. The final alignment and design shall be subject to approval by the State Highway Administration.
- 17) Prior to the issuance of the building permit for the 200<sup>th</sup> dwelling unit the developer shall dedicate the necessary right-of-way for

the Collector road connecting Ed McClain Rd. and MD 75 and construct the roadway. The roadway shall be complete and open to service prior to the issuance of the building permit for the 200<sup>th</sup> dwelling unit.

- 18) The applicant shall provide for safe and adequate vehicular and pedestrian crossings to allow residents on both sides of MD 75 convenient and free access across this highway corridor with minimal disruption to traffic flow on MD 75.
- 19) All construction traffic for this project shall be prohibited from using Ed McClain Road north of the proposed Ed McClain Rd./MD 75 collector road.
- 20) The developer shall contribute \$2,800 per dwelling unit to be paid to the County at the issuance of each residential building permit. The County shall place these funds in a segregated account to be used for the purpose of planning or constructing necessary transportation improvements in the general vicinity of the Monrovia Town Center PUD.

Mr. Superczyski stated they had county staff available to answer questions that were raised at the last workshop.

Mr. Brown responded to the list from Krista McGown requesting comments from staff in regards to certain items on the list. (List from Ms. McGowan attached)

Mr. Kevin Demosky, Deputy Director of the Division of Utilities and Solid Waste Management gave a power point presentation on the Water & Sewer availability for the PUD.

(Mr. Cady Left 3:53 p.m.)

Mr. Paul Dial with Parks and Recreation spoke of the 46+/- acres designated for park usage. Mr. Dial stated he wanted to visit the site first before making a recommendation to determine if the acreage offered is actually the best use of acreage for a park.

Mr. Brown suggested taking Ms. McGowan's comments and intergrading them with the previous staff comments and having that as the final recommendation.

Mr. Superczyski stated that he only had minor changes to make and they could be completed fairly quickly.

Mr. Brown asked for these comments and recommendations to be revised and given to the Planning Commission as soon as they were finished so they had it for the next time they met.

Mr. Duke stated that this case be added to the next Wednesday's February 15th, 2006 Meeting Agenda as the 2<sup>nd</sup> item on the agenda.

Adjourned at 4:30 p.m.

Respectfully Submitted,

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Alan E. Duke; Chairman